

### **REMARKS**

Reconsideration and withdrawal of the rejections set forth in the Office Action of December 22, 2011, are respectfully requested in view of this amendment. By this amendment, the specification has been amended, claims 44, 48 and 57 have been cancelled and claims 33, 47, 50, 56 and 64 have been amended. Claims 33-43, 45-47, 49-56 and 58-64 are pending in this application and presented for examination.

Claims 33 and 50 have been amended to recite that the receiving device provides different user interfaces in different sports or activities, according to the use or purpose of the information for the different sports or activities. Claims 47, 56 and 64 have been amended to describe specific measuring elements according to the use or purpose of the information for the sports activity. Claim 47 has also been amended to describe transmitting sports activity information via a short-range wireless radio communication link during the sports activity according to a communication protocol. Support is found in the claims as previously filed, including claims 41, 44, and 48.

Additionally, each of independent claims 33, 47, 50, 56 and 64 have been amended to describe, in the case of sailing, the user interface display comprises activity-specific information selected from at least one of a group consisting of longitude and latitude, air pressure, heading, speed, temperature and graphical information. Support is found in the specification, *inter alia*, at paragraphs [0055] and [0056] (as published in U.S. Published Application No. 2008-0108481).

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

In the presently outstanding Office Action, claims 33-64 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0065257 to Mault et al. (hereinafter *Mault '257*) in view of U.S. Patent No. 6,513,532 to Mault et al. (hereinafter *Mault '532*). These rejections, as applied to the revised claims, are respectfully traversed.

### **ACKNOWLEDGEMENT OF INTERVIEW**

An interview, granted by the Examiner and held on March 16, 2011, is gratefully acknowledged. During the interview, claims 33, 41, 44, 47 and 50 were discussed. The applicability of the above art references, *Mault '257* and *Mault '532*, were discussed, as related to the display interfaces. In the interview, the Examiner indicated that if the method of providing feedback to a sailor vs. running was included that this would overcome the art rejection of record.

The interview is believed to have expedited the prosecution of this case, and the Examiner's extra efforts in this regard are appreciated.

### **Rejections under 35 USC §103**

The rejections under 35 U.S.C. §103(a) traversed on the legal basis as set forth in Applicants' response of May 26, 2010.

*Mault '257* is acknowledged as not describing selecting, based on the sport in question, from the received sports activity information a predefined set of pieces of sports activity information with the receiving device. There is no showing in either reference of the use of the transmitter and receiver as a universal monitoring engine to drive a sport-specific display, "wherein the receiving device provides different user interfaces in different sports or activities, according to the use or purpose of the information for the different sports or activities." Instead, *Mault '532* is cited as showing relationships between activity level and that heart rate correlates with body activity and expenditure. The rejection under 35 USC §103(a) alleges that it would have been obvious to include a predefined set of pieces of sports activity information with the receiving device during a particular activity and/or predefined sport. This assertion fails to meet the *KSR* test because the use of the receiving device to provide, "different user interfaces in different sports or activities, according to the use or purpose of the information for the different sports or activities," is not a mere design step (not "a design step well within the grasp of a person of ordinary skill in the relevant art").

In this regard, *Mault* '257 specifies that the display is on the monitoring device and is toggled to provide different indications. This is different from providing a monitoring device and providing different displays in order to provide sports monitoring equipment for different uses.

In order to further distinguish the present subject matter, the claims have been amended to specify particular applicability:

"... providing ... feedback based on the selected sports activity information, wherein, in the case of sailing, the user interface display comprises activity-specific information selected from at least one of a group consisting of longitude and latitude, air pressure, heading, speed, temperature and graphical information." (Claim 33; claims 47, 50, 56 and 64 similar.)

As indicated during the interview, the above information presents specific descriptions which are enabled by Applicants' use of a transmitter and receiver in which diverse displays can be provided with information.

It is submitted that neither *Mault* '257 nor *Mault* '532 show or suggest Applicants' subject matter as now claimed. Applicant respectfully request that the Examiner withdraw the rejections and that the case be passed to issuance.

**Claims 34-43, 45, 46, 49-55 and 58-63**

Claims 34-43, 45, 46, 49-55 and 58-63 are written in dependent form and depend from claims 33, 47, 50 or 56. Those dependent claims should be allowable for at least the same reason that claims 33, 47, 50 and 56 are allowable.

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### **CONCLUSION**

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Respectfully submitted,  
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